UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-1(b)

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Authorized Agent for Secured Creditor 130 Clinton Road, Lobby B, Suite 202

Fairfield, NJ 07004

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Shauna Deluca, Esq. (SD-8248)

In Re:

Rolinson Timothy,

Debtor.

Order Filed on June 2, 2021 by Clerk U.S. Bankruptcy Court District of New Jersey

Case No.:

20-15715-JKS

Chapter:

13

Hearing Date: May 13, 2021

Judge:

John K. Sherwood

# $\frac{ORDER\ RESOLVING\ SECURED\ CREDITOR'S\ MOTION\ FOR\ RELIEF\ FROM\ THE}{AUTOMATIC\ STAY}$

The relief set forth on the following pages, numbered two (2) through three (3), is hereby ORDERED.

**DATED: June 2, 2021** 

Honorable John K. Sherwood United States Bankruptcy Court

### Page 2

Secured Creditor: NewRez LLC d/b/a Shellpoint Mortgage Servicing

Secured Creditor's Counsel: Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Debtor's Counsel: Michelle Labayen, Esq.

Property Involved ("Collateral"): 12 McKinley Place, West Orange, New Jersey 07052

Relief sought: 

Motion for relief from the automatic stay

For good cause shown, it is **ORDERED** that Secured Creditor's Motion is resolved, subject to the following conditions:

- 1. Status of post-petition arrearages:
  - The Debtor is overdue for 5 months from January 1, 2021 through May 1, 2021.
  - The Debtor is overdue for  $\underline{5}$  payments from  $\underline{\text{January 1, 2021}}$  through  $\underline{\text{May 1, 2021}}$  at \$1,254.74 per month.

Funds Held In Suspense \$136.71

Total Arrearages Due \$6,136.99

- 2. Debtor must cure all post-petition arrearages, as follows:
  - Debtor shall make a lump-sum payment in the amount of \$6,136.99 directly to Secured Creditor to cure the post-petition balance on or before May 31, 2021.
  - Beginning on <u>June 1, 2021</u>, regular monthly mortgage payments shall continue to be made in the amount of \$1,254.74. This amount is subject to change based on escrow and/or interest rate adjustments.
- 3. Payments to the Secured Creditor shall be made to the following address(es):

■ Regular monthly payment: NewRez LLC dba Shellpoint Mortgage Servicing

P.O. Box 740039

Cincinnati, Ohio 45274-0039

■ Monthly cure payment: NewRez LLC dba Shellpoint Mortgage Servicing

P.O. Box 740039

Cincinnati, Ohio 45274-0039

#### 4. In the event of Default:

- Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Order.
- In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Order.
- This order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Order.
- 5. Award of Attorneys' Fees:
  - The Applicant is awarded attorney fees of \$350.00 and costs of \$188.00. The fees and costs are payable:
    - Through the Chapter 13 plan.

## Case 20-15715-JKS Doc 52 Filed 06/05/21 Entered 06/06/21 00:17:32 Desc Imaged Certificate of Notice Page 4 of 4

United States Bankruptcy Court District of New Jersey

In re: Case No. 20-15715-JKS

Rolinson Timothy Chapter 13

Debtor

CERTIFICATE OF NOTICE

District/off: 0312-2 User: admin Page 1 of 1
Date Rcvd: Jun 03, 2021 Form ID: pdf903 Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol Definition

Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS

regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 05, 2021:

Recipi ID Recipient Name and Address

db + Rolinson Timothy, 12 McKinnley Place, West Orange, NJ 07052-5709

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

### **BYPASSED RECIPIENTS**

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

### NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 05, 2021 Signature: /s/Joseph Speetjens

### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 3, 2021 at the address(es) listed below:

Name Email Address

Denise E. Carlon

on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing dcarlon@kmllawgroup.com

bkgroup@kmllawgroup.com

Marie-Ann Greenberg

magecf@magtrustee.com

Michelle Labayen

on behalf of Debtor Rolinson Timothy michelle@labayenlaw.com silvia@labayenlaw.com;priscilla@labayenlaw.com

Shauna M Deluca

on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing sdeluca@raslg.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5